

TOWN OF DAVIE
PLANNING AND ZONING DIVISION
PLANNING REPORT

May 14, 1999

SUBJECT: Application V 3-8-99

APPLICANT: Michele Mellgren & Assoc. Inc.

OWNER: Armadillo Partners, Inc.

ADDRESS: 4614 SW 64 Avenue

LOCATION: Generally located at the southeast corner of Davie Road and Griffin Road.

ZONING DESIGNATION: B-2, Community Business District/ Western Theme Overlay District.

REQUEST: **From:** Section 12-83 which requires a minimum open space ratio of 30 percent in the B-2 District;
To: Reduce the required minimum open space ratio from 30 percent to 19 percent.

EXHIBITS TO BE INCLUDED: Variance application, subject site map, planning report, and aerial.

ANALYSIS: The subject site is 2.3 acre shopping plaza zoned B-2/Western Theme District. The site is bound on the north by Griffin Road and the South New River Canal, on the east by vacant land zoned B-2/Western Theme District, on the south by a commercial retail use zoned B-2/Western Theme District, and on the west across Davie Road by vacant land zoned B-2/Western Theme District.

Review of a variance request should include consideration of the criteria listed in Section 12-309 of the Land Development Code which is attached hereto, and made a part hereof.

The Florida Department of Transportation has condemned approximately 16,000 square feet of the subject site, creating several nonconforming conditions. The taking leaves the building face less than 5 feet from the edge of right-of-way and results in a redesigned parking facility that eliminates more than 40 percent of the parking spaces. The taking also reduces the site's open space ratio from 5 percent to 2 percent. The applicant's proposed cure plan remedies all nonconforming conditions created by the taking except for minimum required open space, resulting in this variance request for 19 percent open space.

The proposed cure plan represents a nine-fold increase in open space over that existing by providing the full 30 feet of landscaped area required by Code along Griffin Road, as well as the full 4 feet required along Davie Road. The plan further provides a parking lot landscape island approximately 10 feet in width in between the west face of the north building and Davie Road. Therefore, landscaping is generally consistent with Code requirements along the property's roadway frontage.

The Griffin Road Corridor Plan and Report, accepted by Council on December 16, 1998, sets forth land use policies for the Griffin Road Corridor, some of which are applicable to the Western Theme portion of the corridor. By recommending against the granting of variances for parking and street-side landscaping, the Griffin Road Corridor Plan Report acknowledges that some developed sites will have difficulty satisfying all Code requirements if they are to remain viable, and identifies these 2 criteria as having overriding importance. The proposed cure plan provides both required street side landscaping and parking in an attractive and functional manner.

The requested variance will result in open space provision substantially higher than before the right-of-way taking, will provide for strategically located landscaping, and is consistent with the recommendations of the Griffin Road Corridor Plan and Report, while maintaining viable building size, parking facilities and site circulation.

RECOMMENDATION: The Planning and Zoning Division recommends **APPROVAL** of the requested variance to reduce the amount of required open space from 30 percent to 19 percent, with a finding that the request is consistent with the Griffin Road Corridor Plan and Report, is in harmony with the general purpose and intent of the Code, and will not be detrimental to the public welfare.

PLANNING AND ZONING BOARD RECOMMENDATION: Motion to recommend **APPROVAL** (5-0), April 28, 1999.

EXISTING ZONING: B-2
CODE SECTION: 12-83

PROPOSED ZONING: N/A
CODE SECTION: SAME

LAND USE DESIGNATION: COMMERCIAL

FOLIO NUMBER 524126-03-0062

TOWN OF DAVIE USE ONLY	
PETITION NO.	<u>V 3-8-99</u>
FEE	<u>\$ 930</u>
RECEIPT NO.	<u>7491</u>

RECEIVED
MAR 24 1999

**TOWN OF DAVIE
VARIANCE APPLICATION**

(NOTE: INFORMATION MUST BE TYPED AND NOTARIZED)
Make Checks payable to TOWN OF DAVIE

TOWN OF DAVIE
PLANNING & ZONING DEPARTMENT

DATE FILED: 3/24/99

PHONE: (954) 782-8304

PETITIONER: MICHELE MELLGREN & ASSOCIATES, INC.

MAILING ADDRESS: 5400 N. OCEAN BLVD., SUITE 32, FT. LAUDERDALE, FL. 33308

RELATIONSHIP TO PROPERTY: AGENT

OWNER: ARMADILLO PARTNERS, INC.

MAILING ADDRESS: 4614 SW 64TH AVENUE, DAVIE, FL 33314

ADDRESS OF PROPERTY: SE CORNER OF DAVIE AND GRIFFIN ROADS

LEGAL DESCRIPTION: (Certified Sealed Boundary Survey to include statement of amount of acreage involved MUST be submitted with application):

LEGAL DESCRIPTION SHOWN ON SEALED BOUNDARY SURVEY ATTACHED

ACREAGE: SEE ATTACHED SURVEY

REQUEST: From Section 12-83 of the Code of Ordinances, which requires 30 percent open space in the B-2 zoning district, to allow 20 percent open space on the site.

REASON FOR REQUEST (attach additional sheet as necessary): PLEASE SEE ATTACHED.

PETITIONER MUST BE PRESENT IN ORDER FOR ACTION TO BE TAKEN

OFFICE USE ONLY

APPROVED AS TO FORM: Jat

PUBLICATION DATE: 4/21/99

MEETING DATE: PLANNING & ZONING BOARD: 4/28/99

TOWN COUNCIL: 5/19

NOTICES SENT: _____

REPLIES: FOR: _____

AGAINST: _____

UNDELIVERABLE: _____

James R. Clodfelter
OWNER'S NAME(S)

[Signature]
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

4614 SW 64th Avenue

ADDRESS

Davie, FL 33314
CITY, STATE, ZIP

(954) 792-8999

PHONE

Michele C. Mellgren
PETITIONER'S NAME

[Signature]
PETITIONER'S SIGNATURE

5400 N. Ocean Blvd., Suite 32

ADDRESS

Fort Lauderdale, FL 33308
CITY, STATE, ZIP

(954) 782-8304

PHONE

The foregoing instrument was acknowledged before me

This 24th day of March, 1999, by
JAMES R. CLODFELTER (who is personally
known to me or who has produced

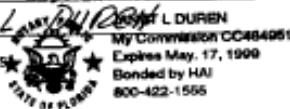
as identification and who did take an oath.

NOTARY PUBLIC:

Sign: [Signature]

Print: JANET L. DUREN

My Commission Expires: May 17, 1999



The foregoing instrument was acknowledged before me

This 23 day of March, 1999, by
Michele C. Mellgren (who is personally
known to me or who has produced

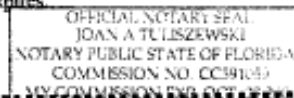
as identification and who did take an oath.

NOTARY PUBLIC:

Sign: [Signature]

Print: Joan A. Tuliszevski

My Commission Expires: Oct 1999



OFFICE USE ONLY

Kevin McCarthy
OWNER'S NAME(S)


OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

4614 SW 64th Avenue

ADDRESS

Davie, FL 33314
CITY, STATE, ZIP

(954) 792-8999

PHONE

The foregoing instrument was acknowledged before me
This 24th day of March, 1999, by
Kevin McCarthy who is personally
known to me or who has produced

~~as identification~~ and who did take an oath.

NOTARY PUBLIC:

Sign: Janet L. Duran
Print: JANET L. DURAN

My Commission Expires:  My Commission CC484051

Expires May. 17, 1999
Bonded by HAI
800-422-1556

Michele C. Mellgren
PETITIONER'S NAME


PETITIONER'S SIGNATURE

5400 N. Ocean Blvd., Suite 32

ADDRESS

Fort Lauderdale, FL 33308
CITY, STATE, ZIP

(954) 782-8304

PHONE

The foregoing instrument was acknowledged before me
This 23 day of March, 1999, by
Michele C. Mellgren who is personally
known to me or who has produced

As identification and who did take an oath.

NOTARY PUBLIC:

Sign: Joan A. Tuliszewski
Print: Joan A. Tuliszewski

My Commission Expires:

OFFICIAL NOTARY SEAL
JOAN A. TULISZEWSKI
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC391059
MY COMMISSION EXP. OCT. 23, 2000

OFFICE USE ONLY

Arthur G. Volmer
OWNER'S NAME(S)

Arthur G. Volmer

OWNER'S SIGNATURE (ALL OWNERS MUST SIGN) ARTHUR G. VOLMER

4614 SW 64th Avenue

ADDRESS

Davie, FL 33314
CITY, STATE, ZIP

(954) 792-8999

PHONE

The foregoing instrument was acknowledged before me
This 24th day of March, 1999, by
ARTHUR G. VOLMER who is personally
known to me or who has produced

as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Janet L. Duren

Print: JANET L. DUREN

My Commission Expires:



JANET L. DUREN
My Commission 00404081
Expires May 17, 1999
Bonded by HAI
800-422-1555

Michele C. Mellgren
PETITIONER'S NAME

Michele C. Mellgren

PETITIONER'S SIGNATURE

5400 N. Ocean Blvd., Suite 32

ADDRESS

Fort Lauderdale, FL 33308
CITY, STATE, ZIP

(954) 782-8304

PHONE

The foregoing instrument was acknowledged before me
This 23 day of March, 1999, by
Michele C. Mellgren who is personally
known to me or who has produced

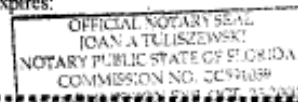
As identification and who did take an oath.

NOTARY PUBLIC:

Sign: Joan A. Tuliszewski

Print: Joan A. Tuliszewski

My Commission Expires:



OFFICE USE ONLY

Eve Montella
OWNER'S NAME(S)

Eve Montella

OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

4614 SW 64th Avenue

ADDRESS

Davie, FL 33314
CITY, STATE, ZIP

(954) 792-8999

PHONE

Michele C. Mellgren
PETITIONER'S NAME

Michele C. Mellgren

PETITIONER'S SIGNATURE

5400 N. Ocean Blvd., Suite 32

ADDRESS

Fort Lauderdale, FL 33308
CITY, STATE, ZIP

(954) 782-8304

PHONE

The foregoing instrument was acknowledged before me

This 24th day of March, 1999, by
EVE MONTELLA who is personally
known to me or who has produced

as identification and who did take an oath.

NOTARY PUBLIC:

Sign:

Print:

My Commission Expires:



JANET L. DUREN
My Commission CC484961
Expires May 17, 1999
Bonded by HAI
800-422-1555

The foregoing instrument was acknowledged before me

This 23 day of March, 1999, by
Michele C. Mellgren who is personally
known to me or who has produced

As identification and who did take an oath.

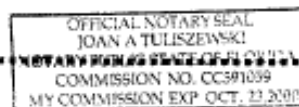
NOTARY PUBLIC:

Sign:

Print:

My Commission Expires:

Joan A. Tuliszevski
Joan A. Tuliszevski



OFFICE USE ONLY

VARIANCE APPLICATION
ARMADILLO SQUARE SHOPPING CENTER

RECEIVED
MAR 24 1999

REASON FOR VARIANCE REQUEST

TOWN OF DAVIE
PLANNING & ZONING DEPARTMENT

BACKGROUND

The subject property is generally known as the Armadillo Square Shopping Center, which is located at the southeast corner of Griffin and Davie Roads. The site is suffering severe negative impacts from the current Griffin Road widening project and the related roadwork on Davie Road. As a result, a variance for open space is needed so that adequate parking can be provided to allow the property to remain a viable commercial center.

The area of taking for the roadway project was approximately 16,000 square feet of land, which resulted in a substantial loss of parking and landscaping, leaving only 79 spaces to serve the existing 26,240 square feet of building and less than 2 percent open space. The two restaurants located in the center combined with the balance of space for retail would require 134 parking spaces. As a result of the Griffin Road widening, therefore, 42 percent of the parking has been eliminated. The applicant desires to provide adequate parking on site to serve the Armadillo Café and additional restaurant and other uses, and to provide open space and landscaping on the property. The applicant proposes to demolish approximately 7,300 square feet of one of the existing structures to provide adequate area for replacement landscaping and parking.

Variance Request: The applicant is seeking partial relief from Section 12-83, which requires 30 percent open space, to provide 19 percent open space. Currently on the site, there is less than two percent in landscaping or green area. The landscaping that did exist along Griffin Road was in the area of the taking and has been cleared. The applicant proposes to provide a 30-foot landscaped buffer along Griffin Road, as well as substantial landscaped areas within the reconfigured parking lot that will greatly enhance the appearance of the site. As a result, substantially more open space will exist than is currently available, and parking will meet code requirements.

This request results from the impacts unique to this site caused by the Griffin Road widening project and, therefore, is not a self-created hardship. It will allow the property owner a reasonable use of the land and is the minimum variance necessary. If the variance is granted, the visual appearance and functionality of the property will be greatly enhanced and, therefore, the request is consistent with the general intent and purpose of the Code.

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